

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH KARL WILLIAMS,

Petitioner,

v.

CASE NO. 05-CV-72794-DT
HONORABLE GERALD E. ROSEN

RAYMOND D. BOOKER,

Respondent.

ORDER OF DISMISSAL

Petitioner Kenneth Karl Williams has filed an application for the writ of habeas corpus under 28 U.S.C. § 2254. The habeas petition challenges Petitioner's 1993 state convictions for two counts of first-degree (felony) murder, one count of assault with intent to rob while armed, and one count of felony firearm. Petitioner attacked the same convictions in a habeas petition filed about five years ago. United States District Judge Marianne O. Battani dismissed that petition for failure to comply with the statute of limitations. *See Williams v. Smith*, No. 00-CV-60335-AA (E.D. Mich. May 22, 2001).

Petitioner did not appeal Judge Battani's decision, but in February of 2004, he moved for an order authorizing him to file a second or successive habeas corpus petition. On October 12, 2004, the United States Court of Appeals for the Sixth Circuit denied Petitioner's request. *See In re Kenneth Karl Williams*, No. 04-1170 (6th Cir. Oct. 12, 2004).

Petitioner filed the pending habeas corpus petition on July 15, 2005. Ordinarily, the Court transfers second or successive habeas petitions to the Court of Appeals for screening pursuant to 28 U.S.C. § 1631 and *Sims v. Terbush*, 111 F.3d 45, 47 (6th Cir. 1997). Petitioner,

however, has already sought, and been denied, permission to file another habeas petition, and this Court has no jurisdiction to consider an unauthorized second or successive habeas petition. *Sapp v. Patton*, 118 F.3d 460, 461-62, 464 (6th Cir. 1997). Accordingly, the habeas petition [Doc. #1, July 15, 2005] is DISMISSED without prejudice.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: August 11, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 11, 2005, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager